



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/670,063

09/26/2000

Hideo Asano

SJO920000073US1

5107

46917

7590

03/20/2008

KONRAD RAYNES & VICTOR, LLP.

ATTN: IBM37

315 SOUTH BEVERLY DRIVE, SUITE 210

BEVERLY HILLS, CA 90212

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

03/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/670,063	Applicant(s) ASANO ET AL.	
	Examiner HUSSEIN A. EL CHANTI	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/18/00, 3/14/02, 7/15/02, 4/12/04, 10/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application filed Sep. 26, 200. Claims 1-44 are pending examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,553,455.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-44 in the application are anticipated by claims 1-24 of U.S. Patent No. 6,553,455 (see *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Steele et al., U.S. Patent No. 5,884,056 (referred to hereafter as Steele).

As to claims 1, 12, 23 and 34, Steele teaches a method, server, storage and medium respectively for providing stream linking in audio/video disk media (see col. 6 lines 13-25), comprising:

when additional reading or writing locations in streams are desired, sending a linked stream request with a number of a primary stream (see col. 9 lines 32-52);

initiating a linked stream that is linked to the primary stream (see col. 6 lines 12-25);

setting a pointer for the linked stream to the same location as a pointer for the primary stream (see col. 6 lines 12-25); and

during operation, processing the pointers for both the linked stream and the primary stream (see col. 9 lines 32-52).

As to claim 2, Steele teaches the method of claim 1 wherein the setting of a pointer for the linked stream to the same location as a pointer for the primary stream further comprises setting a read audio/video pointer for the linked stream to the same location as the read audio/video pointer of the primary stream (see col. 9 lines 22-32).

As to claim 3, Steele teaches the method of claim 1 wherein the linked stream inherits a beginning and ending address from the primary stream (see col. 9 lines 12-52).

As to claim 4, Steele teaches the method of claim 1 wherein the linked stream and the primary stream each include a read audio/video pointer and a write audio/video pointer (see col. 9 lines 12-52).

As to claim 5, Steele teaches the method of claim 4 wherein a passed pointer warning is set when the linked stream read AV pointer passes the primary stream write AV pointer (see col. 9 lines 12-52).

As to claim 6, Steele teaches the method of claim 1 wherein a stream may not be linked to a linked stream (see col. 9 lines 12-52).

As to claim 7, Steele teaches the method of claim 1 wherein the linked stream is disabled when the primary stream is disabled (see col. 7 lines 41-54).

As to claim 8, Steele teaches the method of claim 1 wherein the linked stream and the primary stream may be read and written to simultaneously (see col. 9 lines 12-52).

As to claim 9, the method of claim 1 wherein the linked stream and the primary stream each include a read audio/video pointer and a write audio/video pointer (see col. 9 lines 12-52).

As to claim 10, Steele teaches the method of claim 9 wherein the read audio/video pointer points to the next sector to read from and the write audio/video pointer points to the next sector to write to (see col. 8 lines 14-23).

As to claim 11, Steele teaches the method of claim 1 further including moving the pointers with a command (see col. 9 lines 12-45).

Claims 1-22, 24-33 and 35-44 have similar limitations as claims 1-12, 23 and 34 and therefore are rejected for similar reasons.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

March 14, 2008

/Ario Etienne/

Application/Control Number: 09/670,063

Page 6

Art Unit: 2157

Supervisory Patent Examiner, Art Unit 2157